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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,527	09/30/2005	Udo Merker	100717-677-WCG	6199
27386	7590	05/27/2008		
NORRIS, MCLAUGHLIN & MARCUS, P.A. 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			EXAMINER NGUYEN, KHANH TUAN	
			ART UNIT	PAPER NUMBER
			1796	
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			05/27/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,527

Applicant(s)

MERKER ET AL.

Examiner

KHANH T. NGUYEN

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 and 38-75 is/are pending in the application.
4a) Of the above claim(s) 15-35 and 38-75 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 09/30/2005 and 01/11/2006
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The preliminary amendment filed on 09/30/2005 is entered and acknowledged by the Examiner. Claims 1-14 are currently pending in the instant application. Claims 15-35 and 38-75 have been withdrawn from further consideration. Claims 36 and 37 have been canceled.

Election/Restrictions

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Group I, claim(s) 1-~~14~~, drawn to a method for producing an oxidant.

Group II, claim(s) 23-26, 29-35, 45, 48-50, 59-61, 65, ~~68~~, 69, 72, and 73, drawn to a method for producing an electrolytic capacitor.

Group III, claim(s) 27, 28, 55, 58, 62-~~64~~, 66, 67, 70, 71, 74, and 75, drawn to a method for producing a conductive layer.

Group IV, claim(s) 15-22, ~~38-44~~, 46, 47, 51-54, 56, and 57, drawn to a mixture composition.

Applicant's election with traverse of invention of Group I, claims 1-14, in the reply filed on 04/10/2008 is acknowledged. The traversal is on the ground(s) that a technical relationship of Groups I-IV involves the same features. This is not found persuasive because the invention of Groups I-IV do not relate to a single inventive concept under PCT Rule 13.1 and 13.2 because they lack the same corresponding technical feature. The invention of Group I does not have all the technical features described in the invention of Group II such as polymerized by chemical oxidation at temperatures of from -10°C to 250°C on an oxide layer to form the corresponding polymers. The invention of Group I does not have all the technical features described in invention of Group III as polymerized by chemical oxidation at temperatures of from -10°C to 250°C on substrate to form the corresponding conductive polymers. The invention of Group I does not have all the technical features described in invention of Group IV such as a mixture comprising of an oxidant, a precursors, and optionally a solvent. The invention of Group II does not have all the technical features described in invention of Group III as applying to an oxide layer of metal. The invention of Group II does not have all the technical features described in invention of Group IV as polymerized by chemical oxidation at temperatures of from -10°C to 250°C on substrate to form the corresponding conductive polymers. The invention of Group III does not have all the technical features described in invention of Group IV as polymerized by chemical oxidation at temperatures of from -10°C to 250°C on substrate to form the corresponding conductive polymers. Because these inventions are technically independent or technically distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required.

The requirement is still deemed proper and is therefore made FINAL.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The Applicant benefits the priority date filed on 04/02/2003.

Information Disclosure Statement

The information disclosure statement (IDS) filed on 09/03/2005 and 01/11/2006 has been considered. An initialed copy accompanies this Office Action.

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

Art Unit: 1796

The drawing(s) filed on 09/30/2005 has been considered.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

Art Unit: 1796

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Kirchmeyer et al. (U.S. Pub. 2002/0077450 A1 hereinafter, "Kirchmeyer").

Kirchmeyer discloses a process for preparing an oxidant for the preparation of conductive polymers, wherein a metal salt of an organic acid or an inorganic acid containing one or more sulfonic acid radicals (e.g. iron(III) toluenesulfonate salt) [0032-0035] is treated with an anion exchanger (e.g. Lewatit® MP 62) [0048] to remove metal ions [0041] in the presence of organic solvents such as methanol, ethanol and butanol [0037]. Kirchmeyer also discloses solvent may contain up to about 5% by weight of

Art Unit: 1796

water [0036]. Kirchmeyer discloses the solution of oxidant is separated from the solvent by filtration after treatment with ion exchanger to obtain a clear dark-blue solution [0047-0048]. The clear dark-blue oxidant-containing solution may further be diluted (i.e. redissolved) with ethanol [0048]. Please note that the optional redissolving step is not required by the reference to be anticipatory.

The reference specifically or inherently meets each of the claimed limitations in their broadest interpretations. The reference is anticipatory.

Claims 1-9, 11, 12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsu (U.S. Pat. 7,112,368 B2 hereinafter, "Hsu").

Hsu discloses a process for preparing an oxidant for the preparation of conductive polymers by oxidative polymerization, wherein a metal salt of an organic acid or an inorganic acid containing one or more sulfonic acid radicals (e.g. iron(III) p-toluenesulfonate salt) (Col. 3, lines 23-37) is treated with an anion exchanger (e.g. Lewatit® MP 62) to quench the polymerization and remove metal ions (Col. 3, lines 56-60 and Col. 8, lines 40-41) in the presence of water or organic polar or non-polar solvents (Col. 4, lines 62-65). Hsu discloses the oxidant-containing polymer solution of is separated from the solvent by filtration after treatment with ion exchanger (Example 1). Please note that the optional redissolving step is not required by the reference to be anticipatory.

The reference specifically or inherently meets each of the claimed limitations in their broadest interpretations. The reference is anticipatory.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHANH T. NGUYEN whose telephone number is (571)272-8082. The examiner can normally be reached on Monday-Friday 8:00-5:00

EST PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Kopec/
Primary Examiner, Art Unit 1796

/KTN/
05/19/2008